

House Study Bill 167

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making changes to the sex offender registry and to duties
2 and requirements related to persons who commit sex offenses,
3 making fees applicable, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1358DP 83
6 jm/rj/8

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1 1 DIVISION I
1 2 SEX OFFENDER REGISTRY
1 3 Section 1. NEW SECTION. 692A.101 DEFINITIONS.
1 4 As used in this chapter and unless the context otherwise
1 5 requires:
1 6 1. "Aggravated offense" means a conviction for any of the
1 7 following offenses:
1 8 a. Sexual abuse in the first degree in violation of
1 9 section 709.2.
1 10 b. Sexual abuse in the second degree in violation of
1 11 section 709.3.
1 12 c. Sexual abuse in the third degree in violation of
1 13 section 709.4, subsection 1.
1 14 d. Lascivious acts with a child in violation of section
1 15 709.8, subsection 1.
1 16 e. Assault with intent to commit sexual abuse in violation
1 17 of section 709.11.
1 18 f. Burglary in the first degree in violation of section
1 19 713.3, subsection 1, paragraph "d".
1 20 g. Kidnapping in violation of section 710.2, 710.3, or
1 21 710.4, if sexual abuse as defined in section 709.1 is
1 22 committed during the commission of the offense.
1 23 h. Murder in violation of section 707.2 or 707.3, if
1 24 sexual abuse as defined in section 709.1 is committed during
1 25 the offense.
1 26 i. Criminal transmission of human immunodeficiency virus
1 27 in violation of section 709C.1, subsection 1, paragraph "a".
1 28 2. "Appearance" means to appear in person at a sheriff's
1 29 office.
1 30 3. "Business day" means every day except Saturday, Sunday,
1 31 or any paid holiday as defined in section 1C.2, subsection 1.
1 32 4. "Change" means to add, begin, or terminate.
1 33 5. "Child care facility" means as defined in section
1 34 237A.1.
1 35 6. "Convicted" means found guilty of, pleads guilty to, or
2 1 is sentenced or adjudicated delinquent for an act which is an
2 2 indictable offense in this state or in another jurisdiction,
2 3 including but not limited to a juvenile who has been
2 4 adjudicated delinquent, but whose juvenile court records have
2 5 been sealed under section 232.150, and a person who has
2 6 received a deferred sentence or a deferred judgment or has
2 7 been acquitted by reason of insanity. "Convicted" also
2 8 includes a conviction for an attempt or conspiracy to commit
2 9 an offense. "Convicted" does not mean a plea, sentence,
2 10 adjudication, deferred sentence, or deferred judgment which
2 11 has been reversed or otherwise set aside.
2 12 7. "Criminal or juvenile justice agency" means an agency
2 13 or department of any level of government or an entity wholly
2 14 owned, financed, or controlled by one or more such agencies or
2 15 departments which performs as its principal function the
2 16 apprehension, prosecution, adjudication, incarceration, or
2 17 rehabilitation of criminal or juvenile offenders.
2 18 8. "Department" means the department of public safety.

2 19 9. "Employment" means acting as an employee.
2 20 10. "Foreign court" means a court of a foreign nation that
2 21 is recognized by the United States department of state as a
2 22 court that enforces the right to a fair trial during the
2 23 period in which a conviction occurred.
2 24 11. "Incarcerated" means to be placed in a jail, prison,
2 25 penitentiary, juvenile facility, or other correctional
2 26 institution or facility or a place or condition of confinement
2 27 or forcible restraint.
2 28 12. "Internet identifier" means an electronic mail
2 29 address, instant message address or identifier, or any other
2 30 designation or moniker used for self=identification during
2 31 internet communication or posting, including all designations
2 32 used for the purpose of routing or self=identification in
2 33 internet communications or postings.
2 34 13. "Jurisdiction" means any state of the United States,
2 35 the District of Columbia, the Commonwealth of Puerto Rico,
3 1 Guam, American Samoa, the Northern Mariana Islands, the United
3 2 States Virgin Islands, or a federally recognized Indian tribe.
3 3 14. "Loiter" means remaining in a place or circulating
3 4 around a place under circumstances that would warrant a
3 5 reasonable person to believe that the purpose or effect of the
3 6 behavior is to enable a sex offender to become familiar with a
3 7 location where a potential victim may be found, or to satisfy
3 8 an unlawful sexual desire, or to locate, lure, or harass a
3 9 potential victim.
3 10 15. "Military offense" means a sex offense specified by
3 11 the secretary of defense under 10 U.S.C. } 951.
3 12 16. "Minor" means a person under eighteen years of age.
3 13 17. "Principal residence" for a sex offender means:
3 14 a. The residence of the offender, if the offender has only
3 15 one residence in this state.
3 16 b. The residence at which the offender resides, sleeps, or
3 17 habitually lives for more days per year than another residence
3 18 in this state, if the offender has more than one residence in
3 19 this state.
3 20 c. The place of employment or attendance as a student, or
3 21 both, if the sex offender does not have a residence in this
3 22 state.
3 23 18. "Professional licensing information" means the name or
3 24 other description, number, if applicable, and issuing
3 25 authority or agency of any license, certification, or
3 26 registration required by law to engage in a profession or
3 27 occupation held by a sex offender who is required at the time
3 28 of the initial requirement to register under this chapter, or
3 29 any such license, certification, or registration that was
3 30 issued to an offender within the five=year period prior to
3 31 conviction for a sex offense that requires registration under
3 32 this chapter, or any such license, certification, or
3 33 registration that is issued to an offender at any time during
3 34 the duration of the registration requirement.
3 35 19. "Relevant information" means with respect to an
4 1 individual the following:
4 2 a. Criminal history, including warrants and articles.
4 3 b. Date of birth.
4 4 c. Passport and immigration documents.
4 5 d. Government issued driver's license or identification
4 6 card.
4 7 e. DNA sample.
4 8 f. Educational institutions attended as a student,
4 9 including the name and address of such institutions.
4 10 g. Employment information including name and address of
4 11 employer.
4 12 h. Fingerprints.
4 13 i. Internet identifiers.
4 14 j. Names, nicknames, aliases, or ethnic or tribal names,
4 15 and if applicable, the real names of an offender protected
4 16 under 18 U.S.C. } 3521.
4 17 k. Palm prints.
4 18 l. Photographs.
4 19 m. Physical description, including scars, marks, or
4 20 tattoos.
4 21 n. Professional licensing information.
4 22 o. Residence.
4 23 p. Social security number.
4 24 q. Telephone numbers, including any landline or wireless
4 25 numbers.
4 26 r. Temporary lodging information, including dates when
4 27 residing in temporary lodging.
4 28 s. Statutory citation and text of offense committed that
4 29 requires registration under this chapter.

4 30 t. Vehicle information including license plate number,
4 31 registration number, or other identifying number, vehicle
4 32 description, and the place where the vehicle is parked,
4 33 docked, or otherwise kept.
4 34 u. Other information defined as relevant by the department
4 35 by rule.

5 1 20. "Residence" means each dwelling or other place where a
5 2 sex offender resides, sleeps, or habitually lives, or will
5 3 reside, sleep, or habitually live, including a shelter or
5 4 group home. If a sex offender does not reside, sleep, or
5 5 habitually live in a fixed place, "residence" means a
5 6 description of the locations where the offender is stationed
5 7 regularly, including any mobile or transitory living quarters.
5 8 "Residence" shall be construed to refer to the places where a
5 9 sex offender resides, sleeps, habitually lives, or is
5 10 stationed with regularity, regardless of whether the offender
5 11 declares or characterizes such place as the residence of the
5 12 offender.

5 13 21. "Sex offender" means a person convicted of a sex
5 14 offense that requires registration under this chapter.

5 15 22. "Sex offense" means an indictable offense that has an
5 16 element involving a sexual act, sexual contact, or sexual
5 17 conduct, and which is enumerated in section 692A.102, and
5 18 means any comparable offense under prior law, any comparable
5 19 offense committed in another jurisdiction, or any comparable
5 20 offense that may be prosecuted in a federal, military, tribal,
5 21 or foreign court.

5 22 23. "Sex offense against a minor" means a conviction of
5 23 any sex offense classified as a tier I, tier II, or tier III
5 24 offense under this chapter if such offense was committed
5 25 against a minor, or otherwise involves a minor.

5 26 24. "Sexual exploitation" means sexual exploitation by a
5 27 counselor, therapist, or school employee in violation of
5 28 section 709.15.

5 29 25. "Sexually violent offense" means any of the following
5 30 indictable offenses:

5 31 a. Sexual abuse as defined under section 709.1.
5 32 b. Assault with intent to commit sexual abuse in violation
5 33 of section 709.11.
5 34 c. Sexual misconduct with offenders and juveniles in
5 35 violation of section 709.16.
6 1 d. Any of the following offenses, if the offense involves
6 2 sexual abuse or assault with intent to commit sexual abuse:
6 3 murder, attempted murder, kidnapping, burglary, or
6 4 manslaughter.
6 5 e. A criminal offense committed in another jurisdiction
6 6 which would constitute an indictable offense under paragraphs
6 7 "a" through "d" if committed in this state.

6 8 26. "Sexually violent predator" means a sex offender who
6 9 has been convicted of an offense under the laws of this state
6 10 or of another state which would qualify the offender as a
6 11 sexually violent predator under the federal Violent Crime
6 12 Control and Law Enforcement Act of 1994, 42 U.S.C. }
6 13 14071(a)(3)(B), (C), (D), and (E).

6 14 27. "Student" means a sex offender who enrolls in or
6 15 otherwise receives instruction at an educational institution,
6 16 including a public or private elementary school, secondary
6 17 school, trade or professional school, or institution of higher
6 18 education. "Student" does not mean a sex offender who enrolls
6 19 in or attends an educational institution as a correspondence
6 20 student, distance learning student, or any other form of
6 21 learning that occurs without physical presence on the real
6 22 property of an educational institution.

6 23 28. "Superintendent" means the superintendent or
6 24 superintendent's designee of a public school or the
6 25 authorities in charge of a nonpublic school.

6 26 29. "Vehicle" means a vehicle owned by an offender,
6 27 including a watercraft or aircraft, that is subject to
6 28 registration requirements under chapter 321, 328, or 462A.

6 29 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE
6 30 CLASSIFICATIONS.

6 31 1. For purposes of this chapter, sex offenses are
6 32 classified into the following tiers:
6 33 a. Tier I offenses include a conviction for the following
6 34 sex offenses:
6 35 (1) Sexual abuse in the second degree in violation of
7 1 section 709.3, subsection 2, if committed by a person under
7 2 the age of fourteen.
7 3 (2) Sexual abuse in the third degree in violation of
7 4 section 709.4, subsection 1, 3, or 4, if committed by a person
7 5 under the age of fourteen.

7 6 (3) Sexual abuse in the third degree in violation of
7 7 section 709.4, subsection 2, paragraph "a" or "b", if
7 8 committed by a person under the age of fourteen.
7 9 (4) Sexual abuse in the third degree in violation of
7 10 section 709.4, subsection 2, paragraph "c".
7 11 (5) Indecent exposure in violation of section 709.9.
7 12 (6) Harassment in violation of section 708.7, subsection
7 13 1, 2, or 3, if the violation involves sexual conduct or sexual
7 14 contact.
7 15 (7) (a) Dissemination or exhibition of obscene material
7 16 to minors in violation of section 728.2 or telephone
7 17 dissemination of obscene material to minors in violation of
7 18 728.15.
7 19 (b) Rental or sale of hard-core pornography, if delivery
7 20 is to a minor, in violation of section 728.4.
7 21 (8) Admitting minors to premises where obscene material is
7 22 exhibited in violation of section 728.3.
7 23 (9) Receipt or possession of child pornography in
7 24 violation of 18 U.S.C. } 2252.
7 25 (10) Material containing child pornography in violation of
7 26 18 U.S.C. } 2252A.
7 27 (11) Misleading domain names on the internet in violation
7 28 of 18 U.S.C. } 2252B.
7 29 (12) Misleading words or digital images on the internet in
7 30 violation of section 18 U.S.C. } 2252C.
7 31 (13) Failure to file a factual statement about an alien
7 32 individual in violation of 18 U.S.C. } 2424.
7 33 (14) Transmitting information about a minor to further
7 34 criminal sexual conduct in violation of 18 U.S.C. } 2425.
7 35 (15) Any sex offense specified in the laws of another
8 1 jurisdiction or any sex offense that may be prosecuted in
8 2 federal, military, or foreign court, that is comparable to an
8 3 offense listed in subparagraphs (1) through (14).
8 4 (16) Any sex offense under the prior laws of this state or
8 5 another jurisdiction, or any sex offense under prior law that
8 6 was prosecuted in a federal, military, or foreign court, that
8 7 is comparable to an offense listed in subparagraphs (1)
8 8 through (14).
8 9 b. Tier II offenses include a conviction for the following
8 10 sex offenses:
8 11 (1) Detention in brothel in violation of section 709.7.
8 12 (2) Lascivious acts with a child in violation of section
8 13 709.8, subsection 3 or 4.
8 14 (3) Solicitation of a minor to engage in an illegal sex
8 15 act in violation of section 705.1.
8 16 (4) Solicitation of a minor to engage an illegal act under
8 17 section 709.8, subsection 3, in violation of section 705.1.
8 18 (5) Solicitation of a minor to engage in an illegal act
8 19 under section 709.12, in violation of section 705.1.
8 20 (6) False imprisonment of a minor in violation of section
8 21 710.7, except if committed by a parent.
8 22 (7) Assault with intent to commit sexual abuse if no
8 23 injury results in violation of section 709.11.
8 24 (8) Invasion of privacy=nudity in violation of section
8 25 709.21.
8 26 (9) Stalking in violation of section 708.11, subsection 3,
8 27 paragraph "b", subparagraph (3), if the fact finder determines
8 28 by clear and convincing evidence that the offense was sexually
8 29 motivated.
8 30 (10) Child stealing in violation of section 710.5.
8 31 (11) Enticing away a minor in violation of section 710.10,
8 32 if the violation includes the intent to commit sexual abuse,
8 33 sexual exploitation, sexual contact, or sexual conduct
8 34 directed towards a minor.
8 35 (12) Indecent contact with a child in violation of section
9 1 709.12.
9 2 (13) Lascivious conduct with a minor in violation of
9 3 section 709.14.
9 4 (14) Sexual exploitation by a counselor, therapist, or
9 5 school employee in violation of section 709.15.
9 6 (15) Sexual misconduct with offenders and juveniles in
9 7 violation of section 709.16.
9 8 (16) Solicitation of a minor to engage in an illegal act
9 9 under section 725.3, subsection 2, in violation of section
9 10 705.1.
9 11 (17) Incest committed against a dependant adult as defined
9 12 in section 235B.2 in violation of section 726.2.
9 13 (18) Incest committed against a minor in violation of
9 14 section 726.2.
9 15 (19) Sexual exploitation of a minor in violation of
9 16 section 728.12.

9 17 (20) Material involving the sexual exploitation of a minor
9 18 in violation of 18 U.S.C. } 2252, except receipt or possession
9 19 of child pornography.
9 20 (21) Production of sexually explicit depictions of a minor
9 21 for import into the United States in violation of 18 U.S.C. }
9 22 2260.
9 23 (22) Transportation of a minor for illegal sexual activity
9 24 in violation of 18 U.S.C. } 2421.
9 25 (23) Coercion and enticement of a minor for illegal sexual
9 26 activity in violation of 18 U.S.C. } 2422(a) or (b).
9 27 (24) Transportation of minors for illegal sexual activity
9 28 in violation of 18 U.S.C. } 2423.
9 29 (25) Travel with the intent to engage in illegal sexual
9 30 conduct with a minor in violation of 18 U.S.C. } 2423.
9 31 (26) Engaging in illicit sexual conduct in foreign places
9 32 in violation of 18 U.S.C. } 2423.
9 33 (27) Video voyeurism of a minor in violation of 18 U.S.C.
9 34 } 1801.
9 35 (28) Any sex offense specified in the laws of another
10 1 jurisdiction or any offense that may be prosecuted in a
10 2 federal, military, or foreign court, that is comparable to an
10 3 offense listed in subparagraphs (1) through (27).
10 4 (29) Any sex offense under the prior laws of this state or
10 5 another jurisdiction, or any sex offense under prior law that
10 6 was prosecuted in a federal, military, or foreign court, that
10 7 is comparable to a sex offense listed in subparagraphs (1)
10 8 through (27).
10 9 c. Tier III offenses include a conviction for the
10 10 following sex offenses:
10 11 (1) Sexual abuse in the first degree in violation of
10 12 section 709.2.
10 13 (2) Sexual abuse in the second degree in violation of
10 14 section 709.3, subsection 2, if committed by a person fourteen
10 15 years of age or older.
10 16 (3) Sexual abuse in the third degree in violation of
10 17 section 709.4, subsection 1, 3, or 4, if committed by a person
10 18 fourteen years of age or older.
10 19 (4) Sexual abuse in the third degree in violation of
10 20 section 709.4, subsection 2, paragraph "a" or "b", if
10 21 committed by a person fourteen years of age or older.
10 22 (5) Lascivious acts with a child in violation of section
10 23 709.8, subsection 1 or 2.
10 24 (6) Kidnapping in violation of section 710.2 if sexual
10 25 abuse as defined in section 709.1 is committed during the
10 26 commission of the offense.
10 27 (7) Kidnapping of a minor in violation of section 710.2,
10 28 710.3, or 710.4, except kidnapping in the third degree
10 29 committed by a parent.
10 30 (8) Assault with intent to commit sexual abuse resulting
10 31 in serious or bodily injury in violation of section 709.11.
10 32 (9) Burglary in the first degree in violation of section
10 33 713.3, subsection 1, paragraph "d".
10 34 (10) Murder in violation of section 707.2 or 707.3 if
10 35 sexual abuse as defined in section 709.1 is committed during
11 1 the commission of the offense.
11 2 (11) Criminal transmission of human immunodeficiency virus
11 3 in violation of section 709C.1, subsection 1, paragraph "a".
11 4 (12) Human trafficking in violation of section 710A.2 if
11 5 sexual abuse or assault with intent to commit sexual abuse is
11 6 committed or sexual conduct or sexual contact is an element of
11 7 the offense.
11 8 (13) Purchase or sale of an individual in violation of
11 9 section 710.11.
11 10 (14) Sex trafficking of children in violation of 18 U.S.C.
11 11 } 1591.
11 12 (15) Aggravated sexual abuse in violation of 18 U.S.C. }
11 13 2241.
11 14 (16) Sexual abuse in violation of 18 U.S.C. } 2242.
11 15 (17) Sexual abuse of a minor or ward in violation of 18
11 16 U.S.C. } 2243.
11 17 (18) Abusive sexual contact in violation of 18 U.S.C. }
11 18 2244.
11 19 (19) Offenses resulting in death in violation of 18 U.S.C.
11 20 } 2245.
11 21 (20) Sexual exploitation of children in violation of 18
11 22 U.S.C. } 2251.
11 23 (21) Selling or buying of children in violation of 18
11 24 U.S.C. } 2251A.
11 25 (22) Any sex offense specified in the laws of another
11 26 jurisdiction or any sex offense that may be prosecuted in
11 27 federal, military, or foreign court, that is comparable to an

11 28 offense listed in subparagraphs (1) through (21).
11 29 (23) Any sex offense under the prior laws of this state or
11 30 another jurisdiction, or any sex offense under prior law that
11 31 was prosecuted in federal, military, or foreign court, that is
11 32 comparable to a sex offense listed in subparagraphs (1)
11 33 through (21).
11 34 2. A sex offense classified as a tier I offense shall be
12 35 reclassified as a tier II offense, if the sex offender
12 1 convicted of the tier I offense was required at the time of
12 2 the commission of the tier I offense to register due to a
12 3 conviction for a prior tier I offense.
12 4 3. A sex offense classified as a tier I or tier II offense
12 5 shall be reclassified as a tier III offense, if the sex
12 6 offender convicted of the tier I or II offense was required to
12 7 register at the time of the commission of the tier I offense
12 8 due to a conviction for a prior tier II or tier III offense.
12 9 4. Notwithstanding the classifications of sex offenses in
12 10 subsection 1, any sex offense which would qualify a sex
12 11 offender as a sexually violent predator, shall be classified
12 12 as a tier III offense.
12 13 5. An offense classified as a tier II offense if committed
12 14 against a person under thirteen years of age, shall be
12 15 reclassified as a tier III offense.
12 16 6. Convictions of more than one sex offense which require
12 17 registration under this chapter but which are prosecuted
12 18 within a single indictment shall be considered as a single
12 19 offense for purposes of registration.
12 20 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED TO
12 21 REGISTER.
12 22 1. A person who has been convicted of any sex offense
12 23 classified as a tier I, tier II, or tier III offense, or a sex
12 24 offense in a federal, military, tribal, or foreign court, or
12 25 an offender required to register in another jurisdiction under
12 26 the other jurisdiction's sex offender registry, shall register
12 27 as a sex offender as provided in this chapter. A sex offender
12 28 shall, upon a first conviction, register in compliance with
12 29 the procedures specified in this chapter, for the duration of
12 30 time specified in this chapter, commencing upon the first day
12 31 of any of the following:
12 32 a. From the date of placement on probation.
12 33 b. From the date of release on parole or work release.
12 34 c. From the date of release from incarceration.
12 35 d. Except as otherwise provided in this section, from the
13 1 date an adjudicated delinquent is released from placement in a
13 2 juvenile facility ordered by a court pursuant to section
13 3 232.52.
13 4 e. Except as otherwise provided in this section, from the
13 5 date an adjudicated delinquent commences attendance as a
13 6 student at a public or private educational institution, other
13 7 than an educational institution located on the real property
13 8 of a juvenile facility if the juvenile has been ordered placed
13 9 at such facility pursuant to section 232.52.
13 10 f. From the date of conviction for a sex offense requiring
13 11 registration if probation, incarceration, or placement ordered
13 12 pursuant to section 232.52 in a juvenile facility is not
13 13 included in the sentencing, order, or decree of the court,
13 14 except as otherwise provided in this section for juvenile
13 15 cases.
13 16 2. A sex offender is not required to register while
13 17 incarcerated. However, the running of the period of
13 18 registration is tolled pursuant to section 692A.107 if a sex
13 19 offender is incarcerated.
13 20 3. a. A delinquent adjudicated for an offense that
13 21 requires registration shall be required to register as
13 22 required in this chapter unless the juvenile court waives the
13 23 requirement and finds that the person should not be required
13 24 to register under this chapter.
13 25 b. Notwithstanding paragraph "a", a juvenile fourteen
13 26 years of age or older at the time the offense was committed
13 27 shall be required to register if the adjudication was for an
13 28 offense committed by force or the threat of serious violence,
13 29 by rendering the victim unconscious, or by involuntary
13 30 drugging of the victim.
13 31 4. If a juvenile is required to register pursuant to
13 32 subsection 3, the juvenile court may, upon motion of the
13 33 juvenile, and after reasonable notice to the parties and
13 34 hearing, modify or suspend the registration requirements if
13 35 good cause is shown.
14 1 a. The motion to modify or suspend shall be made and the
14 2 hearing shall occur prior to the discharge of the juvenile
14 3 from the jurisdiction of the juvenile court for the sex

14 4 offense that requires registration.

14 5 b. If at the time of the hearing the juvenile is
14 6 participating in an appropriate outpatient treatment program
14 7 for juvenile sex offenders, the juvenile court may enter
14 8 orders temporarily suspending the requirement that the
14 9 juvenile register and may defer entry of a final order on the
14 10 matter until such time that the juvenile has completed or been
14 11 discharged from the outpatient treatment program.

14 12 c. Final orders shall then be entered within thirty days
14 13 from the date of the juvenile's completion or discharge from
14 14 outpatient treatment.

14 15 d. Any order entered pursuant to this subsection that
14 16 modifies or suspends the requirement to register shall include
14 17 written findings stating the reason for the modification or
14 18 suspension, and shall include appropriate restrictions upon
14 19 the juvenile to protect the public during any period of time
14 20 the registry requirements are modified or suspended. Upon
14 21 entry of an order modifying or suspending the requirement to
14 22 register, the juvenile court shall notify the superintendent
14 23 or the superintendent's designee where the juvenile is
14 24 enrolled of the decision.

14 25 e. This subsection does not apply to a juvenile fourteen
14 26 years of age or older at the time the offense was committed if
14 27 the adjudication was for a sex offense committed by force or
14 28 the threat of serious violence, by rendering the victim
14 29 unconscious, or by involuntary drugging of the victim.

14 30 5. If a juvenile is required to register and the court
14 31 later modifies or suspends the order regarding the requirement
14 32 to register, the court shall notify the department within
14 33 three days of the decision.

14 34 Sec. 4. NEW SECTION. 692A.104 REGISTRATION PROCESS.

14 35 1. A person required to register under this chapter shall
15 1 appear in person to register with the sheriff of each county
15 2 of residence, employment, and attendance as a student, within
15 3 three business days of being required to register under
15 4 section 692A.103. A sheriff shall accept the registration of
15 5 any person who is required to register in the county pursuant
15 6 to the provisions of this chapter.

15 7 2. A sex offender shall, within three business days of
15 8 changing a residence, employment, or attendance as a student,
15 9 appear in person to notify the sheriff of each county where a
15 10 change has occurred.

15 11 3. A sex offender shall, within three business days of a
15 12 change in relevant information other than relevant evidence
15 13 enumerated in subsection 2, appear in person to notify the
15 14 sheriff of the county where the principal residence of the
15 15 offender is maintained about the change to the relevant
15 16 information.

15 17 4. A sex offender shall, within three business days of the
15 18 establishment of a residence, employment, or attendance as a
15 19 student in another jurisdiction, appear in person to notify
15 20 the sheriff of the county where the principal residence of the
15 21 offender is maintained, about the establishment of a
15 22 residence, employment, or attendance in another jurisdiction.
15 23 A sex offender shall, upon establishing a new residence,
15 24 employment, or attendance as a student in another
15 25 jurisdiction, register with the registering agency of the
15 26 other jurisdiction, if the offender is required to register
15 27 under the laws of the other jurisdiction. The department
15 28 shall notify the registering agency in the other jurisdiction
15 29 of the sex offender's new residence, employment, or attendance
15 30 as a student in the other jurisdiction.

15 31 5. A sex offender, who has multiple residences in this
15 32 state, shall notify the sheriff of each county where a
15 33 residence is maintained, of the dates the offender will reside
15 34 at each residence including the date when the offender will
15 35 move from one residence to another residence.

16 1 6. Except as provided in subsection 7, the initial
16 2 registration and any notifications required in subsections 1
16 3 through 5 shall be by appearance at the sheriff's office and
16 4 completion of the initial registration or notification shall
16 5 be on a printed form, which shall be signed and dated by the
16 6 sex offender. If the sheriff uses an electronic form to
16 7 complete the initial registration or notification, the
16 8 electronic form shall be printed upon completion and signed
16 9 and dated by the sex offender. The sheriff shall transmit the
16 10 registration or notification form completed by the sex
16 11 offender within three business days by paper copy, or
16 12 electronically, using procedures established by the department
16 13 by rule.

16 14 7. The collection of relevant information by a court or

16 15 releasing agency under section 692A.109 shall serve as the sex
16 16 offender's initial registration for purposes of this section.
16 17 The court or releasing agency shall forward a copy of the
16 18 registration to the department within three business days of
16 19 completion of registration using procedures established by the
16 20 department by rule.

16 21 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL REGISTRATION
16 22 REQUIREMENTS == TEMPORARY LODGING AND EMPLOYMENT NOT AT A
16 23 FIXED LOCATION.

16 24 1. In addition to the registration provisions specified in
16 25 section 692A.104, a sex offender shall also notify the sheriff
16 26 of the county of principal residence, of any location in which
16 27 the offender is staying when away from the principal residence
16 28 of the offender for more than three days, by identifying the
16 29 location and the period of time the offender is staying in
16 30 such location.

16 31 2. In addition to the registration provisions specified in
16 32 section 692A.104, a sex offender shall also notify the sheriff
16 33 of the county of principal residence, of the location where
16 34 the offender acts as an employee in any form of employment
16 35 that does not occur predominantly at a fixed location. The
17 1 description of the location of such employment shall include
17 2 but is not be limited to normal travel routes for such
17 3 employment, a description of sites or places where work is
17 4 regularly performed, a description of physical locations in
17 5 which the sex offender has contact with clients, customers, or
17 6 coworkers, or any other description that a reasonable person
17 7 would consider to be the location in which a person acts as an
17 8 employee.

17 9 Sec. 6. NEW SECTION. 692A.106 DURATION OF REGISTRATION.

17 10 1. Except as otherwise provided in this section, the
17 11 duration of registration required under this chapter shall be
17 12 as follows:

17 13 a. For a sex offense classified as a tier I offense,
17 14 fifteen years.

17 15 b. For a sex offense classified as a tier II offense,
17 16 twenty=five years.

17 17 c. For a sex offense classified as a tier III offense, the
17 18 lifetime of the registrant.

17 19 2. A sex offender who has been sentenced to a special
17 20 sentence under section 903B.1 or 903B.2, shall be required to
17 21 register for a period equal to the term of the special
17 22 sentence, but in no case not less than the period specified in
17 23 subsection 1.

17 24 3. A sex offender who is convicted of violating any of the
17 25 requirements of this chapter shall register for an additional
17 26 ten years, commencing from the date the offender's
17 27 registration would have expired under subsection 1 or, in the
17 28 case of an offender who has been sentenced to a special
17 29 sentence under section 903B.1 or 903B.2, commencing from the
17 30 date the offender's registration would have expired under
17 31 subsection 2.

17 32 4. A juvenile who has been adjudicated delinquent for an
17 33 offense that requires registration under this chapter, unless
17 34 the registration requirement is waived or the registration
17 35 requirement is modified or suspended pursuant to section
18 1 692A.103, shall:

18 2 a. Register for a period of ten years, if the juvenile was
18 3 fourteen years of age or older at the time of the offense, and
18 4 the offense was not committed by use of force or threat of
18 5 serious violence, by rendering the victim unconscious, or by
18 6 involuntarily drugging the victim.

18 7 b. Register for the period of time specified in subsection
18 8 1, if the juvenile was fourteen years of age or older at the
18 9 time of the offense, and the offense was committed by use of
18 10 force or threat of serious violence, by rendering the victim
18 11 unconscious, or by involuntarily drugging the victim.

18 12 5. Notwithstanding subsection 4, a juvenile who has been
18 13 adjudicated for a sex offense classified as a tier III offense
18 14 shall no longer be required to register as a sex offender
18 15 twenty=five years after the registration requirement commenced
18 16 if:

18 17 a. After adjudication for the offense requiring
18 18 registration, the juvenile has not been convicted of any
18 19 indictable offense under the laws of this state, another
18 20 jurisdiction, or a federal, military, or foreign court.

18 21 b. The juvenile completes any required period of
18 22 supervised release, probation, or parole without revocation.

18 23 c. The juvenile successfully completes an appropriate sex
18 24 offender treatment program certified by a jurisdiction or by
18 25 the United States attorney general.

18 26 6. A sex offender who has been convicted of an offense
18 27 under the laws of this state or of another jurisdiction, or in
18 28 federal, military, or foreign court, which would qualify the
18 29 offender as a sexually violent predator shall register as
18 30 provided in this chapter for life.

18 31 7. If a sex offender ceases to maintain a residence,
18 32 employment, or attendance as a student in this state, the
18 33 offender shall no longer be required to register, and shall be
18 34 removed from the registry, after the department verifies that
18 35 the offender has complied with the registration requirements
19 1 in another jurisdiction. If the sex offender subsequently
19 2 reestablishes residence, employment, or attendance as a
19 3 student in this state, the registration requirement under this
19 4 chapter shall apply.

19 5 Sec. 7. NEW SECTION. 692A.107 TOLLING OF REGISTRATION
19 6 PERIOD.

19 7 1. If a sex offender is incarcerated during a period of
19 8 registration, the running of the period of registration is
19 9 tolled until the offender is released from incarceration for
19 10 that crime.

19 11 2. If a sex offender violates any provision of this
19 12 chapter, in addition to any criminal penalty prescribed for
19 13 such violation, the period of registration is tolled until the
19 14 offender complies with the registration provisions of this
19 15 chapter.

19 16 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF RELEVANT
19 17 INFORMATION.

19 18 1. A sex offender shall appear in person in the county of
19 19 principal residence, to verify residence, employment, and
19 20 attendance as a student, to allow the sheriff to photograph
19 21 the offender, and to verify other relevant information during
19 22 the following time periods:

19 23 a. For a sex offender who is required to register for a
19 24 sex offense classified as a tier I offense, every year.

19 25 b. For a sex offender who is required to register for a
19 26 sex offense classified as a tier II offense, every six months.

19 27 c. For a sex offender who is required to register for a
19 28 sex offense classified as a tier III offense, every three
19 29 months.

19 30 2. A sheriff may require a sex offender to appear in
19 31 person more frequently than provided in subsection 1 to verify
19 32 relevant information if good cause is shown. The
19 33 circumstances under which more frequent appearances are
19 34 required include but are not limited to the sex offender's
19 35 lack of a principal residence, provided that any such
20 1 requirement is reasonable, documented by the sheriff, and
20 2 provided to the offender and the department in writing. Any
20 3 modification to such requirement shall also be provided to the
20 4 sex offender and the department in writing.

20 5 3. a. At least thirty days prior to an appearance for the
20 6 verification of relevant information as required by this
20 7 section, the department shall mail notification of the
20 8 required appearance to each reported residence of the sex
20 9 offender. The department shall not be required to mail
20 10 notification to any sex offender if the residence described or
20 11 listed in the sex offender's relevant information is
20 12 insufficient for the delivery of mail.

20 13 b. The notice shall state that the sex offender shall
20 14 appear in person in the county of principal residence on or
20 15 before a date specified in the notice to verify and update
20 16 relevant information. The notice shall not be forwarded to
20 17 another address and shall be returned to the department if the
20 18 sex offender no longer resides at the address.

20 19 4. A photograph of the sex offender shall be updated, at a
20 20 minimum, annually. The sheriff shall send the updated
20 21 photograph to the department using procedures established by
20 22 the department by rule within three business days of the
20 23 photograph being taken and the department shall post the
20 24 updated photograph on the sex offender registry's internet
20 25 site. The sheriff may require the sex offender to submit to
20 26 being photographed, fingerprinted, or palm printed, more than
20 27 once per year during any required appearance to verify
20 28 relevant information.

20 29 5. The sheriff may make a reasonable modification to the
20 30 date requiring a sex offender to make an appearance based on
20 31 exigent circumstances. The sheriff shall notify the
20 32 department of any modification using procedures established by
20 33 department by rule.

20 34 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE
20 35 REGISTRATION.

21 1 1. When a sex offender is released from incarceration from

21 2 a jail, prison, juvenile facility, or other correctional
21 3 institution or facility, or when the offender is convicted but
21 4 not incarcerated, the sheriff, warden, or superintendent of a
21 5 facility or, in the case of release from foster care or
21 6 residential treatment or conviction without incarceration, the
21 7 court shall do the following prior to release or sentencing of
21 8 the convicted offender:

21 9 a. Obtain all relevant information from the sex offender.
21 10 Additional information for a sex offender required to register
21 11 as a sexually violent predator shall include but not be
21 12 limited to other identifying factors, anticipated future
21 13 places of residence, offense history, and documentation of any
21 14 treatment received by the person for a mental abnormality or
21 15 personality disorder.

21 16 b. Inform the sex offender of the duty to register and
21 17 ensure registration forms are completed and signed.

21 18 c. Inform the sex offender that, within three business
21 19 days of changing a residence, employment, or attendance as a
21 20 student, an appearance is required before the sheriff in the
21 21 county of principal residence and in the county where change
21 22 occurred.

21 23 d. Inform the sex offender that if the offender
21 24 establishes residence in another jurisdiction, or becomes
21 25 employed, or becomes a student in another jurisdiction, the
21 26 offender must report the offender's new residence, employment,
21 27 or attendance as a student, to the sheriff's office in the
21 28 county of the offender's principal residence within three
21 29 business days, and that, if the other jurisdiction has a
21 30 registration requirement, the offender may also be required to
21 31 register in such jurisdiction.

21 32 e. Require the sex offender to read and sign a form
21 33 stating that the duty of the offender to register under this
21 34 chapter has been explained. If the sex offender cannot read,
21 35 is unable to write, or refuses to cooperate, the duty and the
22 1 form shall be explained orally and a written record maintained
22 2 by the offender explaining the duty and the form.

22 3 f. Inform the sex offender who was convicted of a sex
22 4 offense against a minor of the prohibitions established under
22 5 section 692A.114 by providing the offender with a written copy
22 6 of section 692A.114 and relevant definitions of section
22 7 692A.101.

22 8 g. Inform the sex offender that the offender must submit
22 9 to being photographed by the sheriff of any county in which
22 10 the offender is required to register upon initial registration
22 11 and during any appearance to verify relevant information
22 12 required under this chapter.

22 13 h. Inform the sex offender that any violation of this
22 14 chapter may result in state or federal prosecution.

22 15 2. a. When a sex offender is released from incarceration
22 16 from a jail, prison, juvenile facility, or other correctional
22 17 institution or facility, or when the offender is convicted but
22 18 not incarcerated, the sheriff, warden, superintendent, or
22 19 court shall verify that the person has completed initial
22 20 registration forms, and accept the forms on behalf of the
22 21 sheriff of the county of registration. The sheriff, warden,
22 22 superintendent, or the court shall send the initial
22 23 registration information to the department within three
22 24 business days of completion of the registration. Probation,
22 25 parole, work release, or any other form of release after
22 26 conviction shall not be granted unless the offender has
22 27 registered as required under this chapter.

22 28 b. If the sex offender refuses to register, the sheriff,
22 29 warden, or superintendent shall notify within three business
22 30 days the county attorney in the county in which the offender
22 31 was convicted or, if the offender no longer resides in that
22 32 county, in the county in which the offender resides of the
22 33 refusal to register. The county attorney shall bring a
22 34 contempt of court action against the sex offender in the
22 35 county in which the offender was convicted or, if the offender
23 1 no longer resides in that county, in the county in which the
23 2 offender resides. A sex offender who refuses to register
23 3 shall be held in contempt and may be incarcerated pursuant to
23 4 the provisions of chapter 665 following the entry of judgment
23 5 by the court on the contempt action until the offender
23 6 complies with the registration requirements.

23 7 3. The sheriff, warden, or superintendent, or if the sex
23 8 offender is placed on probation, the court shall forward one
23 9 copy of the registration information to the department and to
23 10 the sheriff of the county in which the principal residence is
23 11 established within three business days after completion of the
23 12 registration.

23 13 4. The court may order an appropriate law enforcement
23 14 agency or the county attorney to assist the court in
23 15 performing the requirements of subsection 1 or 2.

23 16 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES AND
23 17 CIVIL PENALTY FOR OFFENDERS.

23 18 1. At the time of filing a registration statement, or a
23 19 change of registration, with the sheriff of the county of
23 20 residence, a sex offender shall pay a fee of ten dollars to
23 21 the sheriff. If, at the time of registration, the sex
23 22 offender is unable to pay the fee, the sheriff may allow the
23 23 offender time to pay the fee, permit the payment of the fee in
23 24 installments, or may waive payment of the fee. Fees paid to
23 25 the sheriff shall be used to defray the costs of duties
23 26 related to the registration of sex offenders under this
23 27 chapter.

23 28 2. In addition to any other penalty, at the time of
23 29 conviction for a public offense committed on or after July 1,
23 30 1995, which requires a sex offender to register under this
23 31 chapter, the offender shall be assessed a civil penalty of two
23 32 hundred dollars, to be payable to the clerk of the district
23 33 court as provided in section 602.8105 and distributed as
23 34 provided in section 602.8108.

23 35 3. The fee and penalty required by this section shall not
24 1 be assessed against a person who has been acquitted by reason
24 2 of insanity of the offense which requires registration under
24 3 this chapter.

24 4 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY ==
24 5 PENALTY.

24 6 1. A sex offender who violates any requirements of section
24 7 692A.104, 692A.105, 692A.108, 692A.112, 692A.113, or 692A.114
24 8 commits an aggravated misdemeanor for a first offense and a
24 9 class "D" felony for a second or subsequent offense. However,
24 10 a sex offender convicted of a sex offense against a minor,
24 11 sexual exploitation, or a sexually violent offense committed
24 12 while in violation of any of the requirements specified in
24 13 this chapter is guilty of a class "C" felony, in addition to
24 14 any other penalty provided by law. Any fine imposed for a
24 15 second or subsequent violation shall not be suspended.
24 16 Notwithstanding section 907.3, the court shall not defer
24 17 judgment or sentence for any violation of any requirements
24 18 specified in this chapter. A violation by a sex offender, who
24 19 is on probation, parole, work release, or any other form of
24 20 release, of any of the requirements specified in this chapter
24 21 shall result in the automatic revocation of the offender's
24 22 probation, parole, or work or other release. For purposes of
24 23 this subsection, a violation occurs when a sex offender knows
24 24 or reasonably should know of the duty to fulfill a requirement
24 25 specified in this chapter as referenced in the offense
24 26 charged.

24 27 2. Violations in any other jurisdiction under sex offender
24 28 registry provisions that are substantially similar to those
24 29 contained in this section shall be counted as previous
24 30 offenses. The court shall judicially notice the statutes of
24 31 other states which are substantially similar to this section.

24 32 3. A sex offender who violates any provision of this
24 33 chapter may be prosecuted in any county where registration is
24 34 required by the provisions of this chapter.

24 35 4. When the department has a reasonable basis to believe
25 1 that a sex offender has changed residence to an unknown
25 2 location, has become a fugitive from justice, or who has
25 3 otherwise taken flight, the department shall make a reasonable
25 4 effort to ascertain the whereabouts of the offender, and if
25 5 such effort fails to identify the location of the offender, an
25 6 appropriate notice shall be made on the sex offender registry
25 7 internet site of this state and shall be transmitted to the
25 8 national sex offender registry. The department shall notify
25 9 other law enforcement agencies as deemed appropriate,
25 10 including the United States marshals service.

25 11 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY PROVIDING FALSE
25 12 INFORMATION == PENALTY.

25 13 A sex offender shall not knowingly provide false
25 14 information upon registration or during an appearance to
25 15 verify relevant information.

25 16 Sec. 13. NEW SECTION. 692A.113 MINOR AT RESIDENCE ==
25 17 REPORTING.

25 18 1. As used in this section, "person having custody or
25 19 control over a child or minor" means the same as in section
25 20 726.6.

25 21 2. A sex offender shall report the name, gender, date of
25 22 birth, and social security number of any person under the age
25 23 of eighteen that is residing in the same residence as the

25 24 offender. The report shall be made in person to the sheriff
25 25 of the county where the residence is located.

25 26 3. This section does not apply to the following:

25 27 a. If the sex offender is a parent, guardian, or person
25 28 having custody or control over a child or minor.

25 29 b. If the sex offender is married to and living with a
25 30 person that is a parent, guardian, or person having custody or
25 31 control over a child or minor.

25 32 Sec. 14. NEW SECTION. 692A.114 EXCLUSION ZONES AND
25 33 PROHIBITION OF CERTAIN EMPLOYMENT-RELATED ACTIVITIES.

25 34 1. A sex offender who has been convicted of a sex offense
25 35 against a minor shall not do any of the following:

26 1 a. Be present upon the real property of a public or
26 2 nonpublic elementary or secondary school without the written
26 3 permission of the school administrator, unless enrolled as a
26 4 student at the school.

26 5 b. Loiter within three hundred feet of the real property
26 6 boundary of a public or nonpublic elementary or secondary
26 7 school, unless enrolled as a student at the school.

26 8 c. Be present on or in any vehicle or other conveyance
26 9 owned, leased, or contracted by a public or nonpublic
26 10 elementary or secondary school without the written permission
26 11 of the school administrator when the vehicle is in use to
26 12 transport students to or from a school or school-related
26 13 activities, unless enrolled as a student at the school or
26 14 unless the vehicle is simultaneously made available to the
26 15 public as a form of public transportation.

26 16 d. Be present upon the real property of a child care
26 17 facility without the written permission of the child care
26 18 facility administrator.

26 19 e. Loiter within three hundred feet of the real property
26 20 boundary of a child care facility.

26 21 f. Loiter on or within three hundred feet of the premises
26 22 of any place intended primarily for the use of minors
26 23 including but not limited to a playground available to the
26 24 public, a children's play area available to the public,
26 25 recreational or sport-related activity area when in use by a
26 26 minor, a swimming or wading pool available to the public when
26 27 in use by a minor, or a beach available to the public when in
26 28 use by a minor.

26 29 2. A sex offender who has been convicted of a sex offense
26 30 against a minor:

26 31 a. Who resides in a dwelling located within three hundred
26 32 feet of the real property boundary of public or nonpublic
26 33 elementary or secondary school, child care facility, or place
26 34 intended primarily for the use of minors as specified in
26 35 subsection 1, paragraph "f", shall not be in violation of
27 1 subsection 1 for having an established residence within the
27 2 exclusion zone.

27 3 b. Who is the parent or legal guardian of a minor shall
27 4 not be in violation of subsection 1 solely during the period
27 5 of time reasonably necessary to transport the offender's own
27 6 minor child or ward to or from a place specified in subsection
27 7 1.

27 8 c. Who is legally entitled to vote shall not be in
27 9 violation of subsection 1 solely for the period of time
27 10 reasonably necessary to exercise the right to vote in a public
27 11 election if the polling location of the offender is located in
27 12 a place specified in subsection 1.

27 13 3. A sex offender who has been convicted of a sex offense
27 14 against a minor, shall not do any of the following:

27 15 a. Operate, manage, be employed by, or act as a contractor
27 16 or volunteer at any municipal, county, or state fair or
27 17 carnival when a minor is present.

27 18 b. Operate, manage, be employed by, or act as a contractor
27 19 or volunteer on the premises of any children's arcade, an
27 20 amusement center having coin or token operated devices for
27 21 entertainment, or facilities providing programs or services
27 22 intended primarily for minors, when a minor is present.

27 23 c. Operate, manage, be employed by, or act as a contractor
27 24 or volunteer at a public or nonpublic elementary or secondary
27 25 school, child care facility, or recreational or sporting
27 26 league that involves minors as participants.

27 27 Sec. 15. NEW SECTION. 692A.115 DETERMINATION OF
27 28 REQUIREMENT TO REGISTER.

27 29 1. An offender may request that the department determine
27 30 whether the offense for which the offender has been convicted
27 31 requires the offender to register under this chapter or
27 32 whether the period of time during which the offender is
27 33 required to register under this chapter has expired.

27 34 2. Application for determination shall be made on forms

27 35 provided by the department and accompanied by copies of
28 1 sentencing or adjudicatory orders with respect to each offense
28 2 for which the offender asks that a determination be made.
28 3 3. The department shall, after receipt of all
28 4 documentation or information requested by the department,
28 5 within ninety days of the filing of the request, determine
28 6 whether the offender is required to register under this
28 7 chapter.

28 8 Sec. 16. NEW SECTION. 692A.116 REGISTRATION FORMS AND
28 9 ELECTRONIC REGISTRATION SYSTEM.

28 10 1. Registration forms and an electronic registration
28 11 system shall be made available by the department. Such forms
28 12 and system shall include fields necessary to record all
28 13 relevant information.

28 14 2. Copies of blank forms shall be available upon request
28 15 to any person.

28 16 Sec. 17. NEW SECTION. 692A.117 DEPARTMENT DUTIES ==
28 17 REGISTRY.

28 18 The department shall perform all of the following duties:

28 19 1. Develop an electronic system and standard forms for use
28 20 in the registration of, verifying addresses of, and verifying
28 21 understanding of registration requirements by sex offenders.

28 22 Forms used to verify addresses of sex offenders shall contain
28 23 a warning against forwarding a form to another address and of
28 24 the requirement to return the form if the offender to whom the
28 25 form is directed no longer resides at the address listed on
28 26 the form or the mailing.

28 27 2. Maintain a central registry of information collected
28 28 from sex offenders, which shall be known as the sex offender
28 29 registry.

28 30 3. In consultation with the attorney general, adopt rules
28 31 under chapter 17A which list specific offenses under present
28 32 and former law which constitute sex offenses or sex offenses
28 33 against a minor under this chapter.

28 34 4. Adopt rules under chapter 17A, as necessary, to ensure
28 35 compliance with registration and verification requirements of
29 1 this chapter, to provide guidelines for persons required to
29 2 assist in obtaining registry information, and to provide a
29 3 procedure for the dissemination of information contained in
29 4 the registry. The procedure for the dissemination of
29 5 information shall include but not be limited to practical
29 6 guidelines for use by criminal or juvenile justice agencies in
29 7 determining when public release of information contained in
29 8 the registry is appropriate and a requirement that if a member
29 9 of the general public requests information regarding a
29 10 specific individual in the manner provided in section
29 11 692A.120, the information shall be released. The department,
29 12 in developing the procedure, shall consult with associations
29 13 which represent the interests of law enforcement officers.
29 14 Rules adopted shall also include a procedure for removal of
29 15 information from the registry upon the reversal or setting
29 16 aside of a conviction of an offender.

29 17 5. Submit sex offender registry data to the federal bureau
29 18 of investigation for entry of the data into the national sex
29 19 offender registry.

29 20 6. Perform the requirements under this chapter and under
29 21 federal law in cooperation with the office of sex offender
29 22 sentencing, monitoring, apprehending, registering, and
29 23 tracking of the office of justice programs of the United
29 24 States department of justice.

29 25 7. Enter and maintain fingerprints and palm prints of sex
29 26 offenders in an automated fingerprint identification system
29 27 maintained by the department and made accessible to law
29 28 enforcement agencies in this state, of the federal government,
29 29 or in another jurisdiction. The department or any law
29 30 enforcement agency may use such prints for criminal
29 31 investigative purposes, to include comparison against finger
29 32 and palm prints identified or recovered as evidence in a
29 33 criminal investigation.

29 34 8. Notify all jurisdictions where a sex offender maintains
29 35 or will maintain a residence, employment, or attendance as a
30 1 student, when updated information concerning the registrant is
30 2 received and verified, and notify the United States marshals
30 3 service and update national sex offender registry information,
30 4 when the department is notified that the offender intends to
30 5 maintain a residence, employment, or attendance as a student,
30 6 outside of the United States. If the department receives
30 7 notification that a sex offender has or intends to maintain a
30 8 residence, employment, or attendance as a student, in this
30 9 state, but the offender fails to register as required under
30 10 this chapter, the department shall notify the jurisdiction

30 11 that provided such information.

30 12 Sec. 18. NEW SECTION. 692A.118 SEX OFFENDER REGISTRY
30 13 FUND.

30 14 A sex offender registry fund is established as a separate
30 15 fund within the state treasury under the control of the
30 16 department. The fund shall consist of moneys received as a
30 17 result of the imposition of the penalty imposed under section
30 18 692A.110 and other funds allocated for purposes of
30 19 establishing and maintaining the sex offender registry,
30 20 conducting research and analysis related to sex crimes and
30 21 offenders, and to perform other duties required under this
30 22 chapter. Notwithstanding section 8.33, unencumbered or
30 23 unobligated moneys and any interest remaining in the fund on
30 24 June 30 of any fiscal year shall not revert to the general
30 25 fund of the state, but shall remain available for expenditure
30 26 in subsequent fiscal years.

30 27 Sec. 19. NEW SECTION. 692A.119 DUTIES OF THE SHERIFF.

30 28 The sheriff of each county shall comply with the
30 29 requirements of this chapter and rules adopted by the
30 30 department pursuant to this chapter. The sheriff of each
30 31 county shall provide information and notices as provided in
30 32 section 282.9.

30 33 Sec. 20. NEW SECTION. 692A.120 AVAILABILITY OF RECORDS.

30 34 1. The department shall provide relevant information from
30 35 the sex offender registry to the following:

31 1 a. A criminal or juvenile justice agency, an agency of the
31 2 state, a sex offender registry of another jurisdiction, or the
31 3 federal government.

31 4 b. The general public through the sex offender registry
31 5 internet site or, at the discretion of the department, through
31 6 other electronic, oral, or written means, except that relevant
31 7 information about a sex offender who was under twenty years of
31 8 age at the time the offender committed a violation of section
31 9 709.4, subsection 2, paragraph "c", subparagraph (4), shall
31 10 not be disclosed on the internet site.

31 11 c. The single contact repository established pursuant to
31 12 section 135C.33, in accordance with the rules adopted by the
31 13 department.

31 14 d. A political subdivision in which an offender
31 15 establishes or terminates a residence, employment, or
31 16 attendance as student.

31 17 e. A probation or parole agency.

31 18 f. A school or public housing agency.

31 19 g. An agency responsible for conducting employment-related
31 20 background checks under section 3 of the National Child
31 21 Protection Act of 1993, 42 U.S.C. } 5119a.

31 22 h. A known volunteer organization in which contact with
31 23 minors or other vulnerable individuals might occur.

31 24 i. An organization, company, or individual requesting
31 25 notification pursuant to established procedures.

31 26 2. A criminal or juvenile justice agency may provide
31 27 relevant information from the sex offender registry to the
31 28 following:

31 29 a. A criminal or juvenile justice agency, an agency of the
31 30 state, or a sex offender registry of another jurisdiction, or
31 31 the federal government.

31 32 b. The general public, including public and private
31 33 agencies, organizations, public places, child care facilities,
31 34 religious and youth organizations, neighbors, neighborhood
31 35 associations, community meetings, and employers. Registry
32 1 information may be distributed to the public through printed
32 2 materials, visual or audio press releases, radio
32 3 communications, or through a criminal or juvenile justice
32 4 agency's internet site.

32 5 3. When a sex offender moves into a school district or
32 6 moves within a school district, the county sheriff of the
32 7 county of the offender's new residence shall provide relevant
32 8 information from the sex offender registry to the
32 9 administrative office of the school district in which the
32 10 person required to register resides, and shall also provide
32 11 relevant information to any nonpublic school near the
32 12 offender's residence.

32 13 4. A member of the public may contact a county sheriff's
32 14 office or police department to request relevant information
32 15 from the registry regarding a specific sex offender. A person
32 16 making a request for relevant information may make the request
32 17 by telephone, in writing, or in person, and the request shall
32 18 include the name of the person and at least one of the
32 19 following identifiers pertaining to the sex offender about
32 20 whom the information is sought:

32 21 a. The date of birth of the person.

32 22 b. The social security number of the person.
32 23 c. The address of the person.
32 24 A county sheriff or police department shall not charge a
32 25 fee relating to a request for relevant information.
32 26 5. A county sheriff shall also provide to a person upon
32 27 request access to a list of all registrants in that county.
32 28 However, records of a person protected under 18 U.S.C. } 3521
32 29 shall not be disclosed.
32 30 6. Relevant information provided to the general public may
32 31 include the sex offender's name, address, a photograph,
32 32 locations frequented by the offender, relevant criminal
32 33 history information from the registry, and any other relevant
32 34 information. Relevant information provided to the public
32 35 shall not include the identity of any victim, the registrant's
33 1 social security number, arrests not resulting in convictions,
33 2 travel and immigration document numbers, the name of an
33 3 employer where a person required to register is employed, the
33 4 name of an educational institution where a person required to
33 5 register is a student, telephone numbers, or internet
33 6 identifier. For purposes of inclusion in the sex offender
33 7 registry's internet site or dissemination to the general
33 8 public, a conviction for incest shall be disclosed as either a
33 9 violation of section 709.4 or 709.8.
33 10 7. Notwithstanding sections 232.147 through 232.151,
33 11 records concerning convictions which are committed by a minor
33 12 may be released in the same manner as records of convictions
33 13 of adults.
33 14 8. A person may contact the department to verify if a
33 15 particular internet identifier is one that has been included
33 16 in a registration by a sex offender.
33 17 9. The department shall include links to sex offender
33 18 safety information, educational resources pertaining to the
33 19 prevention of sexual assaults, and the national sex offender
33 20 registry.
33 21 10. The department shall include on the sex offender
33 22 registry internet site instructions and any applicable forms
33 23 necessary for a person seeking correction of information that
33 24 the person contends is erroneous.
33 25 11. When the department receives and approves registration
33 26 data, such data shall be made available on the sex offender
33 27 registry internet site within three business days.
33 28 12. The department shall maintain an automated electronic
33 29 mail notification system, which shall be available by free
33 30 subscription to any person, to provide notice of addition,
33 31 deletion, or changes to any sex offender registration within a
33 32 postal zip code or, if selected by a subscriber, a geographic
33 33 radius.
33 34 13. Sex offender registry records are confidential records
33 35 not subject to examination and copying by a member of the
34 1 public and shall only be released as provided in this section.
34 2 Sec. 21. NEW SECTION. 692A.121 COOPERATION WITH
34 3 REGISTRATION.
34 4 An agency of state and local government that possesses
34 5 information relevant to requirements that an offender register
34 6 under this chapter shall provide that information to the court
34 7 or the department upon request. All confidential records
34 8 provided under this section shall remain confidential, unless
34 9 otherwise ordered by a court, by the lawful custodian of the
34 10 records, or by another person duly authorized to release such
34 11 information.
34 12 Sec. 22. NEW SECTION. 692A.122 IMMUNITY FOR GOOD FAITH
34 13 CONDUCT.
34 14 Criminal or juvenile justice agencies and employees of
34 15 criminal or juvenile justice agencies and state agencies and
34 16 their employees shall be immune from liability for acts or
34 17 omissions arising from a good faith effort to comply with this
34 18 chapter.
34 19 Sec. 23. NEW SECTION. 692A.123 ELECTRONIC MONITORING.
34 20 A sex offender who is placed on probation, parole, work
34 21 release, special sentence, or any other type of conditional
34 22 release, may be supervised by an electronic tracking and
34 23 monitoring system in addition to any other conditions of
34 24 supervision. However, if the sex offender committed a sex
34 25 offense against a minor, an aggravated offense, or a sexually
34 26 violent offense, the offender shall be supervised for a period
34 27 of at least five years by an electronic tracking and
34 28 monitoring system in addition to any other conditions of
34 29 release.
34 30 Sec. 24. NEW SECTION. 692A.124 APPLICABILITY OF CHAPTER
34 31 AND RETROACTIVITY.
34 32 1. The registration requirements of this chapter shall

34 33 apply to sex offenders convicted on or after the effective
34 34 date of this Act of a sex offense classified under section
34 35 692A.102.

35 1 2. The registration requirements of this chapter shall
35 2 apply to a sex offender convicted, except as specified in
35 3 subsection 3, of a sex offense or a comparable offense under
35 4 prior law prior to the effective date of this Act under the
35 5 following circumstances:

35 6 a. The sex offender is required to be on the sex offender
35 7 registry as of June 30, 2009.

35 8 b. The sex offender is incarcerated, or on probation or
35 9 parole, on or after the effective date of this Act, for
35 10 conviction of an indictable offense, if the offender has a
35 11 previous sex offense conviction at any time in the offender's
35 12 lifetime.

35 13 c. The sex offender is convicted of an indictable offense
35 14 on or after the effective date of this Act, if the offender
35 15 has a previous sex offense conviction at any time in the
35 16 offender's lifetime.

35 17 3. The registration requirement of this chapter shall
35 18 apply to a sex offender who was adjudicated for a sex offense
35 19 requiring registration prior to the effective date of this Act
35 20 if all of the following apply:

35 21 a. The sex offender was at least fourteen years of age at
35 22 the time the offense was committed.

35 23 b. The adjudication was the result of the commission of,
35 24 an attempt to commit, or having conspired to commit, a sex
35 25 offense involving use of force, threat of serious violence, or
35 26 engaging in a sexual act with another by rendering the victim
35 27 unconscious or involuntarily drugging the victim.

35 28 c. The sex offender is convicted of an indictable offense
35 29 on or after the effective date of this Act.

35 30 4. For a sex offender required to register pursuant to
35 31 subsections 1, 2, or 3, each conviction or adjudication for a
35 32 sex offense requiring registration, regardless of whether such
35 33 conviction or adjudication occurred prior to, on, or after the
35 34 effective date of this Act, shall be included in determining
35 35 the duration of registration required pursuant to section
36 1 692A.106.

36 2 5. For a person who is not on the registry as of June 30,
36 3 2009, but who subsequently is required to be on the registry
36 4 on or after July 1, 2009, as the result of a conviction for an
36 5 indictable offense that is not a sex offense, the department
36 6 shall determine the duration of registration under section
36 7 692A.106 based upon the conviction date of the previous sex
36 8 offense of the person.

36 9 6. An offender required to be on the sex offender registry
36 10 as of June 30, 2009, and who is required to be on the registry
36 11 on or after July 1, 2009, shall be credited for any time on
36 12 the registry prior to July 1, 2009.

36 13 Sec. 25. Sections 692A.1 through 692A.16, Code 2009, are
36 14 repealed.

36 15 DIVISION II

36 16 SEX OFFENDER REGISTRY RELATED CHANGES

36 17 Sec. 26. Section 13.2, subsection 1, paragraph d, Code
36 18 2009, is amended by striking the paragraph.

36 19 Sec. 27. Section 22.7, subsection 48, Code 2009, is
36 20 amended to read as follows:

36 21 48. Sex offender registry records under chapter 692A,
36 22 except as provided in section ~~692A.13~~ 692A.120.

36 23 Sec. 28. Section 232.116, subsection 1, paragraph o, Code
36 24 2009, is amended to read as follows:

36 25 o. The parent has been convicted of a felony offense that
36 26 is a ~~criminal sex~~ offense against a minor as defined in
36 27 section ~~692A.1~~ 692A.101, the parent is divorced from or was
36 28 never married to the minor's other parent, and the parent is
36 29 serving a minimum sentence of confinement of at least five
36 30 years for that offense.

36 31 Sec. 29. Section 272.2, subsection 17, Code 2009, is
36 32 amended to read as follows:

36 33 17. Adopt rules to require that a background investigation
36 34 be conducted by the division of criminal investigation of the
36 35 department of public safety on all initial applicants for
37 1 licensure. The board shall also require all initial
37 2 applicants to submit a completed fingerprint packet and shall
37 3 use the packet to facilitate a national criminal history
37 4 background check. The board shall have access to, and shall
37 5 review the sex offender registry information under section
37 6 ~~692A.13~~ 692A.120, the central registry for child abuse
37 7 information established under chapter 235A, and the dependent
37 8 adult abuse records maintained under chapter 235B for

37 9 information regarding applicants for license renewal.
37 10 Sec. 30. Section 279.13, subsection 1, paragraph b,
37 11 subparagraph (1), Code 2009, is amended to read as follows:
37 12 (1) Prior to entering into an initial contract with a
37 13 teacher who holds a license other than an initial license
37 14 issued by the board of educational examiners under chapter
37 15 272, the school district shall initiate a state criminal
37 16 history record check of the applicant through the division of
37 17 criminal investigation of the department of public safety,
37 18 submit the applicant's fingerprints to the division for
37 19 submission to the federal bureau of investigation for a
37 20 national criminal history record check, and review the sex
37 21 offender registry information under section ~~692A.13~~ 692A.120,
37 22 the central registry for child abuse information established
37 23 under section 235A.14, and the central registry for dependent
37 24 adult abuse information established under section 235B.5 for
37 25 information regarding applicants for employment as a teacher.
37 26 Sec. 31. Section 282.9, subsection 2, Code 2009, is
37 27 amended to read as follows:
37 28 2. Notwithstanding section ~~692A.13~~ 692A.129, or any other
37 29 provision of law to the contrary, the county sheriff shall
37 30 provide to the boards of directors of the school districts
37 31 located within the county the name of any individual under the
37 32 age of twenty-one who is required to register as a sex
37 33 offender under chapter 692A.
37 34 Sec. 32. Section 598.41A, Code 2009, is amended to read as
37 35 follows:
38 1 598.41A VISITATION == HISTORY OF CRIMES AGAINST A MINOR.
38 2 Notwithstanding section 598.41, the court shall consider in
38 3 the award of visitation rights to a parent of a child, the
38 4 criminal history of the parent if the parent has been
38 5 convicted of a ~~criminal sex~~ offense against a minor, a
38 6 sexually violent offense against a minor, or sexual
38 7 exploitation of a minor. As used in this section, "~~criminal~~
38 8 ~~sex~~ offense against a minor", "sexually violent offense", and
38 9 "sexual exploitation" mean as defined in section 692A.1.
38 10 Sec. 33. Section 600A.8, subsection 10, Code 2009, is
38 11 amended to read as follows:
38 12 10. The parent has been convicted of a felony offense that
38 13 is a ~~criminal sex~~ offense against a minor as defined in
38 14 section 692A.1, the parent is divorced from or was never
38 15 married to the minor's other parent, and the parent is serving
38 16 a minimum sentence of confinement of at least five years for
38 17 that offense.
38 18 Sec. 34. Section 602.8105, subsection 2, Code 2009, is
38 19 amended by adding the following new paragraph:
38 20 NEW PARAGRAPH. gg. The sex offender civil penalty, two
38 21 hundred dollars.
38 22 Sec. 35. Section 602.8107, subsection 4, paragraph a, Code
38 23 2009, is amended to read as follows:
38 24 a. This subsection does not apply to amounts collected for
38 25 victim restitution, the victim compensation fund, the criminal
38 26 penalty surcharge, sex offender civil penalty, drug abuse
38 27 resistance education surcharge, the law enforcement initiative
38 28 surcharge, county enforcement surcharge, amounts collected as
38 29 a result of procedures initiated under subsection 5 or under
38 30 section 8A.504, or fees charged pursuant to section 356.7.
38 31 Sec. 36. Section 602.8108, subsection 2, Code 2009, is
38 32 amended to read as follows:
38 33 2. Except as otherwise provided, the clerk of the district
38 34 court shall report and submit to the state court
38 35 administrator, not later than the fifteenth day of each month,
39 1 the fines and fees received during the preceding calendar
39 2 month. Except as provided in subsections 3, 4, 5, 7, 8, ~~and~~
39 3 9, and 10, the state court administrator shall deposit the
39 4 amounts received with the treasurer of state for deposit in
39 5 the general fund of the state. The state court administrator
39 6 shall report to the legislative services agency within thirty
39 7 days of the beginning of each fiscal quarter the amount
39 8 received during the previous quarter in the account
39 9 established under this section.
39 10 Sec. 37. Section 602.8108, Code 2009, is amended by adding
39 11 the following new subsection:
39 12 NEW SUBSECTION. 10. The clerk of the district court shall
39 13 remit to the treasurer of state, not later than the fifteenth
39 14 day of each month, all moneys collected from the sex offender
39 15 civil penalty provided in section 692A.110 during the
39 16 preceding calendar month. Of the amount received from the
39 17 clerk, the treasurer of state shall allocate ten percent to be
39 18 deposited in the court technology and modernization fund
39 19 established in subsection 7. The treasurer of state shall

39 20 deposit the remainder into the sex offender registry fund
39 21 established in section 692A.118.
39 22 Sec. 38. Section 907.3, subsection 1, Code 2009, is
39 23 amended by adding the following new paragraph:
39 24 NEW PARAGRAPH. m. The offense is a violation of chapter
39 25 692A.
39 26 Sec. 39. Section 907.3, subsection 2, Code 2009, is
39 27 amended by adding the following new paragraph:
39 28 NEW PARAGRAPH. g. The offense is a violation of chapter
39 29 692A.
39 30 Sec. 40. Section 907.3, subsection 3, Code 2009, is
39 31 amended by adding the following new paragraph:
39 32 NEW PARAGRAPH. g. The offense is a violation of chapter
39 33 692A.

39 34 DIVISION III

39 35 COHABITATION WITH A SEX OFFENDER

40 1 Sec. 41. Section 232.68, subsection 2, paragraph i, Code
40 2 2009, is amended to read as follows:
40 3 i. ~~Cohabitation with a~~ Knowingly allowing a person custody
40 4 ~~or control of, or unsupervised access to a child or minor, if~~
40 5 ~~the person is on the sex offender registry under chapter 692A~~
40 6 ~~in violation of section 726.6.~~
40 7 Sec. 42. Section 726.6, subsection 1, paragraph h, Code
40 8 2009, is amended to read as follows:
40 9 h. ~~Cohabits with a person~~ Knowingly allows a person
40 10 ~~custody or control of, or unsupervised access to a child or a~~
40 11 ~~minor after knowing the person is required to register or is~~
40 12 ~~on the sex offender registry as a sex offender under chapter~~
40 13 ~~692A. However, this paragraph does not apply to a person who~~
40 14 ~~is a parent, or guardian, or a person having custody or~~
40 15 ~~control over of a child or a minor, who is required to~~
40 16 ~~register as a sex offender, or to a person who is married to~~
40 17 ~~and living with a person required to register as a sex~~
40 18 ~~offender.~~

40 19 EXPLANATION

40 20 This bill makes changes to the sex offender registry
40 21 provisions and to duties and requirements related to persons
40 22 who commit sex offenses.

40 23 DIVISION I. The sex offender registry changes in the
40 24 division relate to the federal Adam Walsh Child Protection
40 25 Safety Act of 2006.

40 26 The division repeals Code sections 692A.1 through 692A.16
40 27 including provisions relating to residency restrictions and
40 28 assessments of risk and replaces these sections with new Code
40 29 sections 692A.101 through 692A.124.

40 30 The amendment to new Code section 692A.101 relates to the
40 31 definitions within Code chapter 692A. The division adds
40 32 definitions for appearance, business day, change, employee,
40 33 employment, foreign court, incarceration, indictable offense,
40 34 internet identifiers, jurisdiction, loiter, military offense,
40 35 minor, principal residence, professional licensing
41 1 information, relevant information, sex offender, sex offense,
41 2 sex offense against a minor, student, and vehicle. The
41 3 division modifies or strikes the definitions for conviction,
41 4 criminal offense against a minor, other relevant offense, and
41 5 residence. The division does not modify the definitions for
41 6 aggravated offenses, child care facility, criminal or juvenile
41 7 justice agency, department, sexually violent offense, sexual
41 8 exploitation, and sexually violent predator.

41 9 The amendment to new Code section 692A.102 classifies sex
41 10 offenses into tiers. The division classifies the tiers in
41 11 ascending order of severity with the least serious offenses
41 12 classified tier I offenses, the next serious sex offenses
41 13 classified as tier II offenses, and the most serious sex
41 14 offenses classified as tier III offenses.

41 15 Current law groups sex offenses as either aggravated
41 16 offenses, criminal offenses against a minor, sexually violent
41 17 offenses, and other relevant offenses.

41 18 The division provides that a sex offense classified as a
41 19 tier I offense shall be reclassified as a tier II offense, if
41 20 the person convicted for the sex offense is currently required
41 21 to register for a prior tier II offense. The division
41 22 provides that a sex offense classified as a tier I or tier II
41 23 offense shall be reclassified as a tier III offense, if the
41 24 person convicted for the sex offense is currently required to
41 25 register for a conviction for a prior tier II or tier III
41 26 offense.

41 27 New Code section 692A.103 provides that an offender
41 28 convicted of a tier I, tier II, or tier III sex offense, or a
41 29 sex offense in a federal, military, tribal, or foreign court,
41 30 or an offender residing in this state who was required to

41 31 register under another jurisdiction's sex offender registry,
41 32 shall register as a sex offender in this state.

41 33 The division provides that an offender shall register from
41 34 the date of placement on probation, release on parole or work
41 35 release, release from incarceration or placement, the date of
42 1 attendance at school, or from the date of conviction under
42 2 other circumstances.

42 3 The division provides that an offender is not required to
42 4 register if incarcerated, but the running of the registration
42 5 period is tolled while the offender is incarcerated.

42 6 Under the division, a juvenile offender adjudicated for a
42 7 sex offense that requires registration shall register as a sex
42 8 offender unless the court waives the requirement to register.
42 9 If the juvenile offender is 14 years of age or older, and the
42 10 sex offense was committed by force, or the threat of serious
42 11 injury, or involved the victim being rendered unconscious or
42 12 drugged, the juvenile court shall not waive the registration
42 13 requirement. Currently, the juvenile court may waive the
42 14 requirement to register for any juvenile adjudicated for an
42 15 offense that requires registration.

42 16 The division also allows the juvenile court to waive or
42 17 modify the registration requirement for a juvenile adjudicated
42 18 for a sex offense that requires registration. Under the
42 19 division, the juvenile court, may upon motion of a juvenile
42 20 required to register, modify or suspend the registration
42 21 requirements if good cause is shown. If the juvenile court
42 22 decides to modify or suspend the registration requirements for
42 23 a juvenile, the juvenile court shall notify the superintendent
42 24 of the school where the juvenile is enrolled. If the juvenile
42 25 is enrolled in a nonpublic school, the authorities of such
42 26 school shall be notified of the decision. The division
42 27 prohibits the juvenile court from modifying or suspending the
42 28 registration requirement, if the juvenile offender is 14 years
42 29 of age or older, and the sex offense was committed by force,
42 30 or the threat of serious injury, or involved the victim being
42 31 rendered unconscious or drugged.

42 32 The division requires an offender who has been convicted of
42 33 a sex offense which qualifies the person as a sexually violent
42 34 predator to register for life.

42 35 New Code section 692A.104 requires that an offender shall
43 1 appear in person to register with the sheriff of each county
43 2 of residence, employment, or attendance as a student, within
43 3 three business days of being required to register.

43 4 The division requires the offender to appear in person
43 5 within three business days of changing residence, employment,
43 6 or attendance as a student, to notify the sheriff of each
43 7 county where a change has occurred.

43 8 The division requires the offender to appear in person,
43 9 within three business days of relevant information changing,
43 10 to notify the sheriff of the county where the offender's
43 11 principal residence is located that certain relevant
43 12 information has changed.

43 13 The division requires the offender to appear in person,
43 14 within three business days of establishing a residence,
43 15 employment, or attendance as a student outside the state, to
43 16 notify the sheriff of the county where the offender's
43 17 principal residence is located that the offender has
43 18 established a residence, employment, or attendance as a
43 19 student outside the state.

43 20 New Code section 692A.105 requires the offender to appear
43 21 in person, within three business days of the information
43 22 changing, to notify the sheriff of the county where the
43 23 offender's principal residence is located, about information
43 24 relating to the location where the offender is staying when
43 25 away from the principal residence for more than three days, or
43 26 a description of the location of employment, including travel
43 27 routes, if the employment is not at a fixed location.

43 28 New Code section 692A.106 establishes the duration of
43 29 registration for each tier sex offense. An offender who is
43 30 convicted of a tier I offense shall register for a period of
43 31 15 years. An offender who is convicted of a tier II offense
43 32 shall register for a period of 25 years. An offender who is
43 33 convicted of a tier III offense shall register for life. An
43 34 offender convicted of a special sentence in violation of Code
43 35 section 903B.1 or 903B.2, shall register for a period equal to
44 1 the term of the special sentence, but not less than the term
44 2 specified for the applicable tier offense.

44 3 A juvenile offender adjudicated for an offense that
44 4 requires registration shall register for a period of 10 years,
44 5 unless the juvenile is 14 years of age or older at the time of
44 6 the commission of the sex offense, and the sex offense was

44 7 committed by force, or the threat of serious injury, or
44 8 involved the victim being rendered unconscious or drugged. In
44 9 such cases where the juvenile is 14 years of age or older and
44 10 uses force, threat of injury, or the victim is rendered
44 11 unconscious or drugged, the juvenile shall register for a
44 12 period determined by the particular tier classification.

44 13 The division provides that a juvenile who has been
44 14 adjudicated of a tier III offense, shall register for a period
44 15 of 25 years. Under the division, an offender convicted of a
44 16 tier III offense who is not a juvenile registers for life.

44 17 New Code section 692A.107 provides that the time period for
44 18 registration is tolled when an offender is incarcerated or if
44 19 the offender is not compliant with the requirements of
44 20 registration.

44 21 New Code section 692A.108 establishes the intervals for
44 22 verification of offender information at the sheriff's office.
44 23 The division requires a tier I offender to appear in person to
44 24 verify information with the sheriff every year. The division
44 25 requires a tier II offender to verify information in person
44 26 every six months. The division requires a tier III offender
44 27 to appear in person to verify information every three months.

44 28 The division also requires a photograph of the offender to
44 29 be updated on at least an annual basis.

44 30 New Code section 692A.109 requires authorities at a jail,
44 31 juvenile facility, correctional institution or facility, or
44 32 the court, to obtain all relevant information from an offender
44 33 for the registry prior to release or sentencing. The division
44 34 also requires the sex offender to be informed about the
44 35 registry requirements prior to release or sentencing.

45 1 The division provides that if an offender refuses to
45 2 register as a sex offender, the offender shall be held in
45 3 contempt pursuant to the provisions of Code chapter 665.

45 4 The division makes no changes to the assessment of a \$10
45 5 registration fee and \$200 civil penalty in Code section 692A.6
45 6 and designates the provision as new Code section 692A.110.

45 7 New Code section 692A.111 creates criminal penalties for
45 8 violating requirements under new Code section 692A.104
45 9 (registration process), 692A.105 (additional registration
45 10 requirements), 692A.108 (verification of relevant
45 11 information), 692A.112 (knowingly providing false
45 12 information), 692A.113 (minor at residence), or 692A.114
45 13 (exclusion zones). An offender commits an aggravated
45 14 misdemeanor for a first offense and a class "D" felony for a
45 15 second or subsequent offense. In addition, if an offender
45 16 violates any of the requirements and is convicted of a sex
45 17 offense against a minor, sexual exploitation, or a sexually
45 18 violent offense committed while in violation of any
45 19 requirement is guilty of a class "C" felony, in addition to
45 20 any other penalty provided by law.

45 21 New Code section 692A.112 prohibits an offender from
45 22 providing false information upon registration or during an
45 23 appearance at a sheriff's office to verify relevant
45 24 information. The penalty provisions for this Code section are
45 25 in new Code section 692A.111.

45 26 New Code section 692A.113 requires an offender to report
45 27 the name, gender, date of birth, and social security number of
45 28 a minor that is residing in the same residence as the
45 29 offender. The report shall be made in person to the sheriff
45 30 of the county where the residence is located. The division
45 31 does not apply to an offender who is the parent of the minor
45 32 or the offender is married to and living with a person who is
45 33 the parent of the minor. The penalty provisions for this
45 34 section are in new Code section 692A.111.

45 35 New Code section 692A.114 creates exclusion zones and
46 1 prohibits certain employment activities for offenders who have
46 2 committed a sex offense against a minor. The penalty
46 3 provisions for this section are in new Code section 692A.111.

46 4 Under the division, an offender shall not be present upon
46 5 the real property of a public or nonpublic elementary or
46 6 secondary school without the written permission of the school
46 7 authority, unless the offender is enrolled at the school.

46 8 The division prohibits an offender from loitering within
46 9 300 feet of the real property boundary of a public or
46 10 nonpublic elementary or secondary school, unless enrolled in
46 11 the school.

46 12 The division prohibits an offender from being present on or
46 13 in any vehicle owned or leased by a public or nonpublic
46 14 elementary or secondary school without the written permission
46 15 of the school authority, unless the offender is a student at
46 16 the school or the vehicle is made available to the public as a
46 17 form of public transportation.

46 18 The division prohibits an offender to be present upon the
46 19 real property of a child care facility without the written
46 20 permission of the child care facility administrator.
46 21 The division prohibits an offender from loitering within
46 22 300 feet of the real property boundary of a child care
46 23 facility.
46 24 The division also prohibits an offender from loitering
46 25 within 300 feet of other locations intended primarily for use
46 26 by minors.
46 27 Under the division, an offender does not violate the
46 28 exclusion zones or loitering provisions of the division, by
46 29 the establishment of a residence within the exclusion zone but
46 30 may be prosecuted for loitering if the actions of the offender
46 31 constitute loitering.
46 32 The division permits an offender to enter into an exclusion
46 33 zone to transport a child or ward to or from a school, child
46 34 care facility, or other locations intended primarily for use
46 35 by minors, or to vote.
47 1 The division prohibits an offender from working or
47 2 volunteering at a fair or carnival when a minor is present.
47 3 The division prohibits an offender from working or
47 4 volunteering at an arcade or other entertainment center
47 5 intended primarily for use by minors, when a minor is present.
47 6 The division prohibits an offender from working or
47 7 volunteering at a public or nonpublic elementary or secondary
47 8 school, child care facility, or recreational or sporting
47 9 league that involves participation by minors.
47 10 New Code section 692A.115 permits an offender to request
47 11 the department of public safety to determine whether the
47 12 offense for which the offender was convicted requires the
47 13 offender to register under the division or whether the time
47 14 period in which to register has expired.
47 15 New Code section 692A.116 requires the department of public
47 16 safety to make available registration forms and the electronic
47 17 registration system.
47 18 New Code section 692A.117 lists the duties of the
47 19 department of public safety relating to the sex offender
47 20 registry.
47 21 The division makes no changes to the sex offender registry
47 22 fund in Code section 692A.11 and designates the provision as
47 23 new Code section 692A.118.
47 24 New Code section 692A.119 requires the sheriff to provide
47 25 information and prepare notices when an offender enrolls in a
47 26 school as provided in Code section 282.9.
47 27 New Code section 692A.120 enlarges the number of eligible
47 28 agencies and organizations that receive relevant information
47 29 about sex offenders.
47 30 The division makes no changes to cooperation requirements
47 31 among agencies in Code section 692A.14 and designates the
47 32 provision as new Code section 692A.121.
47 33 The division makes no changes to the immunity provisions in
47 34 Code section 692A.15 and designates the provision as new Code
47 35 section 692A.122.
48 1 New Code section 692A.123 requires an offender who commits
48 2 a sex offense against a minor, or an aggravated offense, or
48 3 sexually violent offense, to be supervised for a period of at
48 4 least five years by an electronic tracking and monitoring
48 5 system. Currently, an offender who commits a criminal offense
48 6 against a minor, or an aggravated offense, sexually violent
48 7 offense, or other relevant offense that involved a minor,
48 8 shall be supervised for a period of at least five years by an
48 9 electronic tracking and monitoring system.
48 10 New Code section 692A.124 specifies the applicability and
48 11 retroactivity of the new sex offender requirements enumerated
48 12 in the division. In addition to any offender convicted for a
48 13 sex offense on or after the effective date of the division of
48 14 the bill, the division specifies that any offender required to
48 15 register as of June 30, 2009, shall register under the new sex
48 16 offender registry provisions enumerated in the division.
48 17 For an offender who is currently not on the registry, the
48 18 division requires an offender to register under the new sex
48 19 offender registry provisions if the offender is incarcerated,
48 20 or on probation or parole, on or after the effective date of
48 21 the division of the bill, for conviction of any indictable
48 22 offense, if the person has a previous sex offense conviction
48 23 in the offender's lifetime.
48 24 For an offender who is currently not on the registry, the
48 25 division requires an offender to register under the new sex
48 26 offender registry provisions if the offender is convicted of
48 27 any indictable offense on or after the effective date of the
48 28 division of the bill, if the person has a previous sex offense

48 29 conviction in the offender's lifetime.

48 30 An offender adjudicated of a sex offense in juvenile court
48 31 requiring registration prior to the effective date of this
48 32 division of the bill shall be required to register under the
48 33 new sex offender provisions if all of the following apply:
48 34 the offender was at least 14 years of age at the time the
48 35 offense was committed; the adjudication was the result of the
49 1 commission of a sex offense involving use of force, threat of
49 2 serious violence, or engaging in a sexual act with another by
49 3 rendering the victim unconscious or involuntarily drugging the
49 4 victim; and the offender is convicted of an indictable offense
49 5 on or after the effective date of the division of the bill.

49 6 For an offender who is not on the registry as of June 30,
49 7 2009, but who subsequently is required to be on the registry
49 8 on or after the effective date of the division of the bill as
49 9 the result of a conviction for an indictable offense that is
49 10 not a sex offense, the department of public safety shall
49 11 determine the duration of registration pursuant to new Code
49 12 section 692A.106 based upon the conviction date of the
49 13 previous sex offense.

49 14 An offender required to be on the sex offender registry as
49 15 of June 30, 2009, and who is subject to the new registration
49 16 provisions on or after the effective date of the division of
49 17 the bill, shall be credited for any time on the registry prior
49 18 to the effective date of the division of the bill.

49 19 DIVISION II. The division makes related Code changes due
49 20 to the changes made to Code chapter 692A in division I.

49 21 DIVISION III. The division makes changes to the criminal
49 22 offense of cohabitating with a sex offender in Code section
49 23 726.6. The division provides that a person commits child
49 24 endangerment if a person knowingly allows a person custody or
49 25 control of, or unsupervised access to a child or a minor after
49 26 knowing the person is a registered sex offender. Current law
49 27 prohibits a person from cohabitating with a known sex
49 28 offender.

49 29 LSB 1358DP 83

49 30 jm/rj/8